

## Office of the Secretary of Defense

## § 213.2

Non-Federal entity	Authority
	Secretary of The Army Memorandum. "Support to the Red Cross During Times of Conflict". Title 32, CFR, part 213. MOU between the Department of Justice and American Red Cross.
Boy Scouts Jamborees .....	Section 2554 of title 10 U.S.C.
Girl Scouts International Events (Transportation) .....	Section 2555 of title 10 U.S.C. DoD Instruction 1015.9.
Shelter for Homeless .....	Section 2556 of title 10 U.S.C.
National Military Associations; Assistance at National Conventions.	Section 2558 of title 10 U.S.C.
	DoD Directive 5410.18. DoD Instruction 5410.19.
National Veterans' Organizations (Beds and Barracks) .....	Section 2551 of title 10 U.S.C.
United Seamen's Service Organization .....	Section 2604 of title 10 U.S.C. Title 32, CFR, part 213.
Scouting: Cooperation and Assistance in Foreign Areas .....	Section 2606 of title 10 U.S.C. DoD Instruction 1015.9.
Civil Air Patrol .....	Section 9441 of title 10 U.S.C. Section 9442 of title 10 U.S.C. Section 40301 of title 36 U.S.C.
Assistance for certain youth and charitable organizations .....	Section 508 of title 32 U.S.C. DoD Directive 1100.20.
Presidential Inaugural Ceremonies .....	Section 2553 of title 10 U.S.C.
Specified Sporting Events (Olympics) .....	Section 2564 of title 10 U.S.C. DoD Directive 2000.15.
Fire Protection Agreements .....	Section 1856 of title 42 U.S.C. et seq.
Armed Services Young Men's Christian Association .....	Section 2012 of title 10 U.S.C. Section 2648 of title 10 U.S.C. Section 508 of title 32, U.S.C.
Support for Youth Organizations .....	MOU between DoD and the Armed Services YMCA. Section 1058 of Public Law 109-163 (Note to Section 301 of title 5 U.S.C.). Section 8126 of Public Law 109-148 (Note to Section 101 of title 10 U.S.C. and Section 301 of title 5 U.S.C.).

## PART 213—SUPPORT FOR NON-FEDERAL ENTITIES AUTHORIZED TO OPERATE ON DOD INSTALLATIONS

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AUTHORITY: 10 U.S.C. 2554 and 2606.

SOURCE: 72 FR 56012, Oct. 2, 2007, unless otherwise noted.

### § 213.1 Purpose.

(a) Authorizes 32 CFR part 212.

(b) Establishes policy and assigns responsibilities under DoD Directive 5124.8<sup>1</sup> for standardizing support to non-Federal entities authorized to operate on DoD installations.

(c) Designates the Secretary of the Army as the DoD Executive Agent

(DoD EA) according to DoD Directive 5101.1:<sup>2</sup>

(1) For DoD support to the Boy Scouts of America (BSA) and Girl Scouts of the United States of America (GSUSA) local councils and organizations in areas outside of the United States 10 U.S.C. 2606. DoD support will also cover the periodic national jamboree according to 10 U.S.C. 2606.

(2) To perform the annual audit of the American Red Cross (ARC) accounts and to prepare and submit the annual report to Congress according to 36 U.S.C. 300110.

(3) To provide the ARC with the necessary deployment support.

(d) Designates the Secretary of the Air Force as the DoD EA responsible for conducting the Armed Forces Entertainment (AFE) program.

### § 213.2 Applicability and scope.

This part:

<sup>1</sup>Copies may be obtained at <http://www.dtic.mil/whs/directives/>.

<sup>2</sup>Copies may be obtained at <http://www.dtic.mil/whs/directives/>.

### §213.3

### 32 CFR Ch. I (7–1–09 Edition)

(a) Applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereafter referred to collectively as the “DoD Components”) and non-Federal entities authorized to operate on DoD installations.

(b) Shall not revise, modify, or rescind any Memorandum of Understanding (MOU) between a non-Federal entity and the U.S. Government or the Department of Defense or their implementing arrangements in existence as of the effective date of this Directive. Additionally, the Directive shall not revise, modify, or rescind any MOU between the Department of Justice (DoJ) and the Department of Defense that is in existence as of the effective date of this Directive. Any such agreements shall, as they expire, come up for renewal, or as circumstances otherwise permit, be revised to conform to this Directive and any implementing guidance.

(c) Does not apply to banks or credit unions addressed in DoD Directive 1000.11<sup>3</sup> or the Civil Air Patrol according to 10 U.S.C. 2554, 2606 and 9441.

#### §213.3 Definition.

*Non-federal entities.* A non-Federal entity is generally a self-sustaining, non-Federal person or organization, established, operated, and controlled by any individual(s) acting outside the scope of any official capacity as officers, employees, or agents of the Federal Government. This Directive addresses only those entities that may operate on DoD installations with the express consent of the installation commander or higher authority under applicable regulations. Non-Federal entities may include elements of state, interstate, Indian tribal, and local government, as well as private organizations.

#### §213.4 Policy.

It is DoD policy that:

(a) DoD support for non-Federal entities shall be in accordance with relevant statutes as well as DoD 5500.7–R<sup>4</sup>. In accordance with DoD 5500.7–R and to avoid preferential treatment, DoD support should be uniform, recognizing that non-Federal entity support of Service members and their families can be important to their welfare.

(b) Under DoD Directive 5124.8 procedures shall be established as Instructions and agreements for the operation of non-Federal entities on DoD installations and for the prohibition of official sanction, endorsement, or support by the DoD Components and officials, except as authorized by DoD 5500.7–R and applicable law. Instructions and agreements must be compatible with the primary mission of the Department and provide for Congressionally authorized support to non-Federal entities on DoD installations.

(c) In accordance with DoD 5500.7–R, installation commanders or higher authority may authorize, in writing, logistical support for events, including fundraising events, sponsored by non-Federal entities covered by this part.

(d) Installation commanders or higher authority may coordinate with non-Federal entities in order to support appropriated or nonappropriated fund activities on DoD installations, so long as the support provided by the non-Federal entities does not compete with appropriated or nonappropriated fund activities.

(e) Non-Federal entities are not entitled to sovereign immunity and the privileges given to Federal entities and instrumentalities.

#### §213.5 Responsibilities.

(a) The Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)), under the Under Secretary of Defense for Personnel and Readiness, shall:

(1) Be responsible for implementing all policy matters and Office of the Secretary of Defense oversight of non-Federal entities on DoD installations.

<sup>3</sup>Copies may be obtained at <http://www.dtic.mil/whs/directives/>.

<sup>4</sup>Copies may be obtained at <http://www.dtic.mil/whs/directives/>.